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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,989	02/27/2004	Daniel G. O'Neil	50037.229US01	6860

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EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/788,989

Applicant(s)

O'NEIL ET AL.

Examiner

LUU MATTHEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Deeds (US 2004/0198455).

#### **Claim 1.**

Deeds discloses (Figs. 7-9) a method for using a color scheme to communicate information associated with an event and related to the integration of hardware and software in a computing device, comprising:

receiving an event at the computing device (Fig. 7 shows the step (330) of select entry or caller group. This step of selecting is considered as an event), the event corresponding to a software element that has an associated color scheme (Fig. 7 shows step (330), wherein a software element is the entry, e.g., the name of a person or a caller group displayed on the display (110). Fig. 7 also shows the step (340) for selecting color scheme for the entry or the caller group) (page 5, section 41);

determining a color value associated with the event, the color value corresponding to the color scheme of the software element (Page 5, section 42, lines 1-

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3; and lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red pulses); and

illuminating a hardware element (the keys (2) and (5) ) according to at least one of the color scheme associated with the software element (the entry "Mark" on the display (110) ) and the color value of the event (the green color value) (Page 6, section 52, the last seven lines).

**Claims 2 and 3.**

Deeds discloses (Fig. 9) the software element (MARK) is a display (110) on a user interface of the computing device (10). This computing device is a communication device.

**Claim 4.**

Deeds discloses (Fig. 9) the hardware element is at least on of a keypad (the keys (2) and (5) on the keypad (140) ).

**Claim 5.**

Deeds discloses (fig. 7) the information communicated by the color scheme is at least of a functional feature associated with the computing device (color scheme setting feature).

**Claim 6.**

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Deeds discloses (Fig. 9) the step of illuminating the hardware element (keys (2) and (5)) with an illuminating element, which is a light emitting diode (LED) (Page 6, section 53).

**Claim 7.**

Deeds teaches wherein the event is at least one of an indicator of available actions (speed dial action) (Page 6, section 52, the last seven lines).

**Claim 9.**

Deeds discloses (Figs. 7-9) a method for using a color scheme to communicate information associated with an event and related to the integration of hardware and software in a computing device, comprising:

a memory (Fig. 1, non-volatile memory 160 and volatile memory 180) of the computing device (10) that is arranged to receive an event, the event corresponding to a software element that has an associated color scheme (Fig. 7 shows step (330), wherein a software element is the entry, e.g., the name of a person or a caller group displayed on the display (110). Fig. 7 also shows the step (340) for selecting color scheme for the entry or the caller group) (page 5, section 41);

an illuminating element (LEDs 210) coupled to the memory via a controller (80);  
and

a hardware element (keypad 140) coupled to the illuminating element (210), wherein the illuminating element illuminates the hardware element according to the color scheme when the event is received (Page 6, section 52, the last seven lines).

**Claims 10-12.**

Note the rejection as set forth above with respect to claims 2-4.

**Claim 13.**

Deeds discloses (Figs. 8 and 9) wherein the color value is defined in the memory (step 400,) and wherein the illuminating element (LEDs 210) illuminates the hardware element (the keys (2) and (5) ) based on the color value (the green color value) (Page 6, section 52, the last seven lines).

**Claim 14.**

Deeds discloses (Fig. 9) the step of illuminating the hardware element (keys (2) and (5)) with an illuminating element, which is a light emitting diode (LED) (Page 6, section 53).

**Claim 15.**

Deeds discloses (fig. 7) the information communicated by the color scheme is at least of a functional feature associated with the computing device (color scheme setting feature).

**Claim 16.**

Deeds teaches wherein the event is at least one of an indicator of available actions (speed dial action) (Page 6, section 52, the last seven lines).

**Claim 18.**

Note the rejection as set forth above with respect to claim 1.

**Claim 19.**

Note the rejection as set forth above with respect to claim 5.

**Claim 20.**

Note the rejection as set forth above with respect to claim 3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds in view of Cadiz et al (US 2003/0164862).

**Claims 8 and 17.**

The only difference between the disclosure of Deeds and the claimed invention is that claims 8 and 17 require the color scheme changes to communicate information corresponding to elapsed time associated with the event.

However, Cadiz discloses (figs. 2 and 4A) the changing of the appearance of a graphically displayed ticket (210) to communicate information (changing information or communications state or status) corresponding to elapse time associated with the event (ticket 210). See page 11, section 100; and page 17, section 184.

It would have been obvious to a person of the art at the time of the invention to use the graphical alert method of Cadiz into the communication method of Deeds to allow a user to set up a schedule meeting or reading a message, wherein the alert feature would remind the user of the meeting or reading a message.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Eftekhari (US 2002/0024505) discloses the color selection may be mad so that each link has a button that has a matching color for at least one hyperlink.

-Matthewson, II et al (US 2003/0018724) disclose time-sensitive messages and events.

-Yuen et al (US 2002/0147976) disclose method and apparatus for transmitting, storing, and processing electronic program guide data for on-screen display.



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-Belzer et al (5,905,493) disclose a color-coded electronic user interface system for use between an end user and a computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



**MATTHEW LUU**  
**PRIMARY EXAMINER**